

Message Text

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PAGE 01 BONN 15216 01 OF 02 171459Z

46

ACTION EUR-08

INFO OCT-01 SS-14 ISO-00 IO-03 NSC-05 NSCE-00 EURE-00 SP-02

PM-03 L-01 INR-05 CIAE-00 DODE-00 SAJ-01 EA-06 PRS-01

USIA-01 DPW-01 EB-03 OMB-01 /056 W

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P R 171343Z SEP 75

FM AMEMBASSY BONN

TO SECSTATE WASHDC PRIORITY 2917

INFO USMISSION USBERLIN

AMEMBASSY BERLIN

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

USMISSION NATO BRUSSELS

USMISSION USUN NEW YORK

USMISSION GENEVA

AMEMBASSY THE HAGUE

AMEMBASSY BRUSSELS

AMEMBASSY COPENHAGEN

AMEMBASSY DUBLIN

AMEMBASSY LUXEMBOURG

AMEMBASSY ROME

C O N F I D E N T I A L SECTION 01 OF 02 BONN 15216

LIMDIS

E.O. 11652: GDS

TAGS: PFOR, PDIP, GW, WB, VN, US

SUBJECT: FRG TO ESTABLISH DIPLOMATIC RELATIONS WITH
NORTH VIETNAM

REF: BONN 15093

1. SUMMARY: THE FRG AND NORTH VIETNAM PLAN TO ANNOUNCE
ON SEPT. 20 (APPROXIMATELY) AGREEMENT TO ESTABLISH
RELATIONS. SIMULTANEOUS OPENING OF EMBASSIES FORESEEN
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PAGE 02 BONN 15216 01 OF 02 171459Z

BY END OF YEAR. CHIEF ISSUES IN NEGOTIATIONS WERE

DEFINITION OF CITIZENSHIP, BERLIN CLAUSE, AND NORTH VIETNAMESE NON-ADHERENCE TO VIENNA CONVENTION. FRG CONTINUING ITS NEGOTIATIONS WITH SOUTH VIETNAM TO REOPEN ITS EMBASSY IN SAIGON. END SUMMARY.

2. FOLLOWING ARE SALIENT POINTS OF BRIEFING FONOFF GAVE US ON SEPTEMBER 16 ON FRG/NORTH VIETNAM NEGOTIATIONS TO ESTABLISH DIPLOMATIC RELATIONS:

3. AGREEMENT: THE FRG AND NORTH VIETNAMESE AMBASSADORS IN PARIS SUCCESSFULLY CONCLUDED LONG NEGOTIATIONS LATE SEPTEMBER 12 TO ESTABLISH DIPLOMATIC RELATIONS. AGREEMENT CONSISTS OF A PROTOCOL, TWO EXCHANGES OF LETTERS AND A COMMUNIQUE, THE LAST OF WHICH WILL BE PUBLISHED UPON APPROVAL OF THE TWO GOVERNMENTS. THE FRG CABINET WILL CONSIDER THE AGREEMENT SEPTEMBER 17. IF THE CABINET APPROVES THE AGREEMENT, ITS APPROVAL WILL BE COMMUNICATED TO THE NORTH VIETNAMESE IN PARIS, WHO WILL THEN SEEK HANOI'S APPROVAL. ONCE HANOI'S APPROVAL IS IN HAND, PUBLIC ANNOUNCEMENT WILL FOLLOW IN 48 HOURS. FRG ANTICIPATES THAT THIS ANNOUNCEMENT WILL BE MADE ON SEPTEMBER 20.

4. PLANS: THE AGREEMENT CALLS FOR SIMULTANEOUS OPENING OF EMBASSIES IN BONN AND HANOI AND EXCHANGE OF AMBASSADORS. THE FRG PLANS TO SEND A REPRESENTATIVE TO HANOI ALMOST IMMEDIATELY TO ARRANGE FOR OPENING OF EMBASSY. IT ANTICIPATES THAT IT WILL TAKE TO THE END OF 1975 TO LOCATE A SUITABLE SITE, HOUSING, ETC. IN VIEW OF DIFFICULTIES OTHER WESTERN NATIONS HAVE EXPERIENCED IN GETTING ESTABLISHED IN HANOI, THE FRG INSISTED THAT NORTH VIETNAMESE EMBASSY IN BONN COULD BE OPENED ONLY SIMULTANEOUSLY WITH FRG OPENING IN HANOI. THE PROTOCOL LIMITS THE EMBASSIES TO FIFTEEN FOREIGN NATIONALS. FRG WILL IMPOSE TRAVEL CONTROLS ON NORTH VIETNAMESE IN VIEW OF TRAVEL CONTROLS ON WESTERNERS IN NORTH VIETNAM. SPECIFICALLY, THE FRG WILL REQUIRE PRIOR APPROVAL OF ANY TRIP OF MORE THAN 40 KILOMETERS FROM THE CENTER OF BONN. AN EXCHANGE OF AMBASSADORS WILL PROBABLY TAKE PLACE SOMETIME IN 1976.

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PAGE 03 BONN 15216 01 OF 02 171459Z

5. ISSUES: SINCE NORTH VIETNAM IS NOT A PARTY TO THE VIENNA CONVENTION, THE FRG INSISTED ON AN EXCHANGE OF LETTERS WHICH INCORPORATES THE PRINCIPLE PROVISIONS OF THE CONVENTION. HOWEVER, NORTH VIETNAM INSISTED THAT THE CONVENTION NOT BE REFERRED TO BY NAME IN THIS EXCHANGE OF LETTERS BECAUSE IT IS CONSIDERING SIGNING THE CONVENTION AND DID NOT WANT TO PREJUDICE ITS

POSITION UNTIL DOING SO. THE OTHER EXCHANGE OF LETTERS
CONTAINS A BERLIN CLAUSE ALONG THE LINES OF THE PRAGUE
FORMULA, WHICH EXTENDS THE AGREEMENTS TO BERLIN (WEST).
THE PROTOCOL REFERS TO PERSONS DOMICILED IN EACH
COUNTRY RATHER THAN TO CITIZENS OF EACH COUNTRY, AS IS
THE USUAL CASE, TO TAKE CARE OF THE FRG CITIZENSHIP LAW.

6. FRG AID TO NORTH VIETNAM: THE FRG APPROPRIATED
100 MILLION DM FOR AID TO INDOCHINA IN 1973 FOLLOWING
THE PARIS AGREEMENTS. OF THIS AMOUNT 40 MILLION DM WAS
EARMARKED FOR NORTH VIETNAM, BUT ITS DISBURSEMENT

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PAGE 01 BONN 15216 02 OF 02 171504Z

46

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C O N F I D E N T I A L SECTION 02 OF 02 BONN 15216

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WAS BLOCKED PENDING BILATERAL AGREEMENTS AS TO ITS APPLICATION. THE FRG IS PREPARED TO NEGOTIATE THE DISBURSEMENT OF THIS MONEY, BUT SO FAR NORTH VIETNAM HAS MADE NO REQUEST. THE FRG PREFERS THAT THIS MONEY BE USED FOR PROJECT AID SO THAT THE ACTUAL FLOW OF CAPITAL CAN BE DEFERRED, BUT IT EXPECTS THAT NORTH VIETNAM WILL REQUEST IMMEDIATE COMMODITY ASSISTANCE. NEGOTIATIONS WILL BE NECESSARY TO RESOLVE THESE ANTICIPATED DIFFERENCES.

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PAGE 02 BONN 15216 02 OF 02 171504Z

7. HISTORY OF NEGOTIATIONS: THE NEGOTIATIONS FOR ESTABLISHMENT OF RELATIONS BEGAN IN NOVEMBER, 1974, BUT BROKE DOWN LAST APRIL ON THE ISSUE OF A BERLIN CLAUSE VERSUS FRG RECOGNITION OF THE PRG. THE NORTH VIETNAMESE URGED RESUMPTION OF NEGOTIATIONS IN JUNE ON THE BASIS THAT THE BERLIN/PRG ISSUE HAD CEASED TO EXIST. FROM THAT TIME ON THE INITIATIVE WAS TAKEN BY NORTH VIETNAM, WHILE THE FRG TREATED THE NEGOTIATIONS AS A ROUTINE STEP TO BE TAKEN IN ACCORDANCE WITH ESTABLISHED FRG POLICY OF ESTABLISHING RELATIONS WITH ALL COUNTRIES ONCE SATISFACTORY CONDITIONS ARE ESTABLISHED.

8. SOUTH VIETNAM: FRG RELATIONS WITH SOUTH VIETNAM ARE NOT AFFECTED BY THE AGREEMENT WITH NORTH VIETNAM. THE FRG EMBASSY IN SAIGON IS STAFFED BY ONLY TWO LOCAL EMPLOYEES (GERMAN NATIONALS). THE FRG WANTS TO REOPEN ITS EMBASSY AS SOON AS POSSIBLE. HOWEVER, NEGOTIATIONS WITH SOUTH VIETNAM ARE STALEMATED. THE FRG INSISTS THAT RELATIONS ALREADY EXIST AND WANTS TO REFER TO "DEVELOPING" RELATIONS IN THE COMMUNIQUE UNDER NEGOTIATION. SOUTH VIETNAM HOLDS THE RELATIONS MUST BE "ESTABLISHED," AND IS HOLDING OUT FOR CORRESPONDING LANGUAGE. THE CHIEF SUBSTANTIVE ISSUE INVOLVED IN THIS DEBATE IS THE OBLIGATION OF THE PRESENT REGIME IN SAIGON TO REPAY A 60 MILLION DM LOAN THE FRG EXTENDED TO THE FORMER GOVERNMENT, AS WELL AS ACCESS BY THE PRESENT REGIME TO ANOTHER LOAN OF 49 MILLION DM.

9. THE FRG PLANS TO BRIEF ITS EC PARTNERS ON THIS DEVELOPMENT IN AN EXPERTS MEETING IN ROME ON SEPTEMBER 19. PENDING THIS BRIEFING, AND PUBLIC ANNOUNCEMENT OF THE AGREEMENT, THE FONOFF REQUESTED THAT WE HOLD THIS INFORMATION CLOSELY.
HILLENBRAND

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